IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.
WRIT PETITION NO.3320 OF 2006

1. Yashwant Govind Gavade, since deceased through heirs
(1a) Yashoda yashwant Gavade and ors — Petitioners. (Orig.defts)

Vs

1. Parvati Mahadev Patil and ors. — Respondents (No.1-Orig.Plff)

Mr.S.M.Railkar, for the petitioners.

CORAM : D.B.BHOSALE,J.
DATE : 30.08.2006

PC:

1. Heard the learned counsel for the petitioners.

2. By this writ petition, the petitioners-defendants have challenged the order dated 15.2.2006 passed on the application at Exhibit-165. That application was filed by respondent no.1-plaintiff under order 2, rule 2 of the Code of Civil Procedure seeking permission to omit certain properties from the suit and has made a statement in the application that she is prepared to relinquish her rights in those properties and she shall not have any claim whatsoever in respect of those properties in future. I perused her application at Exhibit-165 as also the impugned order. Under Order 2 rule 2 of the C.P.C the plaintiff has such right to seek relief, as claimed in the application at Exhibit-165. In my opinion, the trial Court has rightly allowed the application-Exhibit-165 filed by the respondent no.1 - plaintiff and I find no

reason to interfere with the order impugned in writ jurisdiction of this court under Article 227 of the Constitution of India. The writ petition is accordingly dismissed. Hearing of the suit is expedited.

(D.B.BHOSALE,J.)